



AVIATION ADVISORY BOARD MEETING

Thursday, March 26, 2015 – 1:30 p.m.
Fort Lauderdale Executive Airport
6000 NW 21st Avenue
Fort Lauderdale, Florida 33309

Aviation Advisory Board

Linda Iversen
Chair

Stephen O'Malley
Vice Chair

Ron Carlson

Jeffrey Fauer

Patrick Kerney

Ed Kwoka

Tom Moody

Dana Pollitt

Mark Volchek

John Watt

Commissioner
Pamela Bushnell
City of Tamarac

Jeff Helyer
City of Oakland Park

CALL TO ORDER

1. Roll Call
2. Telephonic Participation Vote – Dana Pollitt

VOTING ITEMS

1. Approve Minutes of February 26, 2015 Meeting
2. Airfield Lighting Rehabilitation - HDR Engineering, Inc. - Task Order 3
3. Gopher Tortoise and Burrowing Owl Permitting and Relocation - E Sciences, Inc. - \$11,598
4. Parcel 9 Lease Expiration, Failure to Construct Improvements
5. Termination of Parcel 8G Lease with D.H.S. Investments LLC

UPDATE ITEMS

- A. Noise Compatibility Program
- B. Development and Construction
- C. Arrearages
- D. Communications to the City Commission
- E. FLL Update
- F. Customs and Border Protection Facility Change Orders #1 and #2 - James B. Pirtle Construction

NEXT SCHEDULED MEETING DATE: Thursday, April 23, 2015 - 1:30 PM

Julie Leonard
Transportation and Mobility Deputy Director

PURPOSE: To recommend to the City Commission action necessary for the planning, establishment, development, construction, enlargement, improvement, maintenance, operation, regulation and policing of airports owned, operated and controlled by the City.

Two or more City of Fort Lauderdale Commissioners or members of a Fort Lauderdale Advisory Board or Committee may be in attendance at this meeting.

If a person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you desire auxiliary services to assist in viewing or hearing the meeting or reading agendas and minutes for the meetings, please contact the City Clerk's Office at 954-828-5002 and arrangements will be made to provide these services to you.



**AVIATION ADVISORY BOARD
FORT LAUDERDALE EXECUTIVE AIRPORT
ADMINISTRATIVE OFFICE - MULTIPURPOSE ROOM
6000 NW 21 AVENUE, FORT LAUDERDALE, FLORIDA
THURSDAY, February 26, 2015, 1:30 P.M.**

Board Members	Attendance	Cumulative Attendance 7/13 through 6/14	
		Present	Absent
Ron Carlson	P	7	0
Jeffrey Fauer	A	5	2
Linda Iversen, Chair	P	7	0
Patrick Kerney	P	4	3
Ed Kwoka	P	6	1
Tom Moody	P	5	2
Stephen O'Malley, Vice Chair	P	7	0
Dana Pollitt	P	5	2
Mark Volchek	P (via phone)	5	2
Pamela Bushnell, Commissioner City of Tamarac [non-voting]	A	5	2
Jeff Helyer, City of Oakland Park [non-voting]	P	7	0

Airport Staff

Julie Leonard, Transportation and Mobility Deputy Director
Rufus James, Acting Airport Manager
Florence Straugh, Acting Assistant Airport Manager
Karen Reese, Airport Business Outreach & FTZ Administrator
Fernando Blanco, Airport Engineer
Diana McDowell, Administrative Assistant II
Donna Varisco, Administrative Assistant I
Kim Smith, Administrative Aide
Travis Bryan, Airport Operations

CALL TO ORDER

Chair Iversen called the meeting to order at 1:31 p.m.

1. Roll Call

Roll was called and it was determined a quorum was present.

2. Telephonic Participation Vote – Mark Volchek

Motion was made by Mr. Kerney and seconded by Mr. Kwoka to approve Mr. Volchek's telephonic participation. In a voice vote, motion passed unanimously.

VOTING ITEMS

1. Approve Minutes of January 22, 2015 Meeting

Motion was made by Mr. Carlson and seconded by Mr. Pollitt to approve the minutes. In a voice vote, motion passed unanimously.

2. Termination of Parcel 8G Lease with D.H.S. Investments LLC

Staff recommended that the City Commission authorize the City Manager to terminate the Lease for Parcel 8G with D.H.S. Investments LLC, in accordance with Paragraph 15 of the Lease.

Roni Herskovitz, a representative for D.H.S. Investments and Ben Parker, Attorney for K.S.R, LLC, representing Devineni Ratnam, came forward to speak on this matter.

Motion was made by Mr. Kerney and seconded by Mr. Moody to extend this matter until the next Aviation Advisory Board meeting (3/26/2015) with the understanding that the rent and back taxes through 2013, be paid by the 20th of March. In a voice vote, motion passed unanimously.

3. Assignment of Lease Agreement from Cypress Executive Associates LLC for Lots 22, 41 and 42 to ICM (VII) Cypress LP

Staff recommended that the City consent to the requested assignment of Cypress Executive Associates LLC lease for lots 22, 41 and 42 to ICM (VII) Cypress LP subject to review by the City Attorney's Office.

Motion was made by Mr. Kerney and seconded by Mr. Carlson to support staff's recommendation. In a voice vote, motion passed unanimously.

UPDATE ITEMS

A. Noise Compatibility Program

Ms. Straugh provided an update.

B. Development and Construction

Mr. James provided an update.

C. Arrearages

Ms. McDowell provided an update.

D. Communications to the City Commission

The Board had nothing to communicate to the City Commission.

E. FLL Update

Ms. Straugh provided an update.

F. Environmental and Sustainability Management System (ESMS) Presentation

Ms. Leonard gave a presentation about ESMS (see attached).

Other Items and Information

Ms. Reese gave an update about the Foreign Trade Zone and informed the Board that we have received an application from Floor and Décor Outlets of America, in Miramar to become a Foreign Trade Zone.

Ms. Leonard provided information on the Water Park. The FAA is reviewing the new appraisal and has found nothing so far. The new appraisal was less than the last one that was done. The City is also waiting to see what the interest rate will be.

Mr. James provided information regarding Parcels B, C, & D. The sites are cleared and ready for development. CBRE will be in charge of marketing them. Mr. Pollitt would like someone from CBRE to come in and speak with the board.

Ms. Leonard advised the board that the last candidate for Airport Manager will be here on 3/4/2015.

There being no further business before the Board, the meeting adjourned at 2:57 p.m.

➤ Next scheduled meeting: March 26, 2015 – 1:30 p.m.

[Minutes prepared by Kim Smith, Administrative Aide]

PLEASE NOTE:

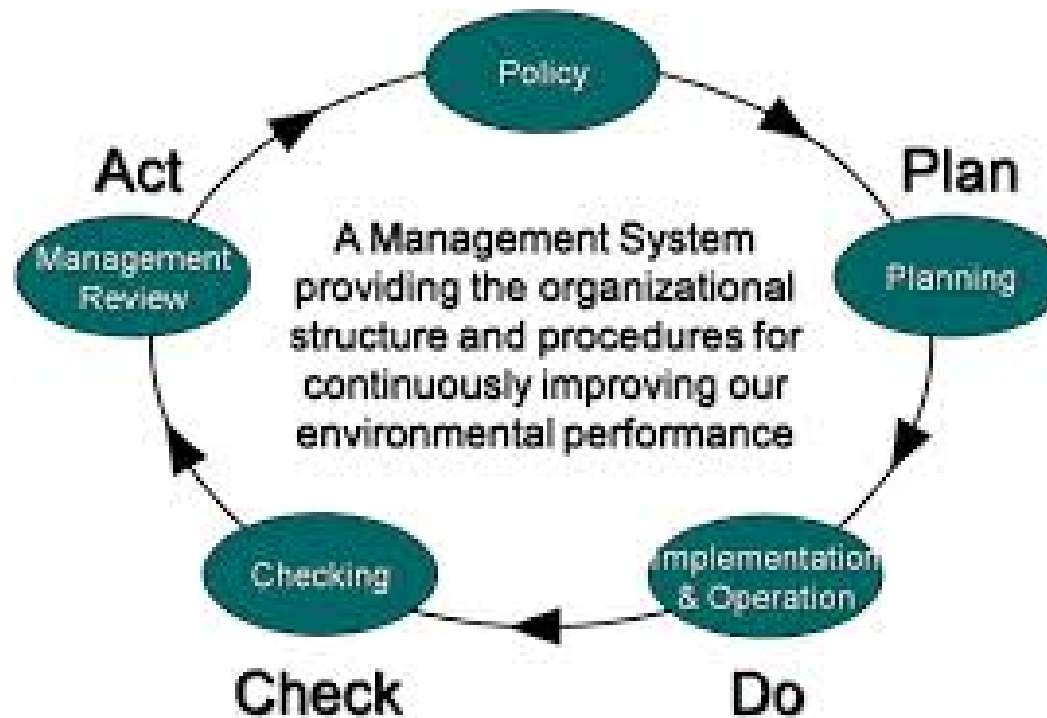
If a person decides to appeal any decision made with respect to any matter considered at this public meeting or hearing, he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



City of Fort Lauderdale
Environmental & Sustainability Management System (ESMS)
presented to the
Aviation Advisory Board February 26, 2015

Greening Our Routine!

Environmental & Sustainability Management System (ESMS) ISO 14001:2004



Benefits of ESMS

A set of management processes and procedures that allows an organization or agency to analyze, control and **reduce the environmental impact** of its activities, products and services and to operate **with greater efficiency and control**

- Increased Efficiency and Control
- Continuous Improvement of Environmental Performance
- Cost savings
- Pollution Prevention
- Public/Employee Environmental and Sustainability Awareness Capacity Building



ESMS Institute - Virginia Tech University

FTA Team – Fleet Facility

- Susanne Torriente
- Diana Alarcon
- Alex Scheffer
- Mark Cervasio
- MaryAnn Johnston
- Carlos Berriz
- Jim Koeth

ICMA Team – GTL WWTP

- Julie Leonard
- Todd Hiteshew
- Marie Pierce
- Miguel Arroyo
- Scott Sundermeier
- Pat Long



Benefits of ESMS

Before



After



CITY OF FORT LAUDERDALE
ENVIRONMENTAL & SUSTAINABILITY MANAGEMENT SYSTEM (ESMS)

Continuous Improvement

Before



After



CITY OF FORT LAUDERDALE
ENVIRONMENTAL & SUSTAINABILITY MANAGEMENT SYSTEM (ESMS)

Citywide Environmental Policy

ISO 14001 Environmental Policy:

- Be **defined** by top management
- Be **relevant** to the activities, products and services of the organization
- Show **commitment** to continual improvement and prevention of pollution
- Be **documented** and **communicated** to all employees and be available to the public/neighbors



FLEET FACILITIES FENCELINE



30 60 90 120
Feet



CITY OF FORT LAUDERDALE
ENVIRONMENTAL & SUSTAINABILITY MANAGEMENT SYSTEM (ESMS)

GTL FACILITIES FENCELINE



CITY OF FORT LAUDERDALE
ENVIRONMENTAL & SUSTAINABILITY MANAGEMENT SYSTEM (ESMS)

Significant Environmental Aspects

Fleet Facility

1. Decommissioned Vehicles
2. Fuel Use Reduction
3. Electricity Use Reduction
4. Stormwater Management

GTL WWTP

1. Liquid Oxygen Tanks' Spill Prevention
2. Chlorine Management
3. Electricity Use Reduction
4. Wastewater Discharge
5. Stormwater Management



Fleet Facility - Goals

- 1) Reduce Fleet Facility electricity usage via energy conservation efforts and plans.
- 2) Reduce Fuel consumption and maximize efficiencies in City vehicles and equipment.
- 3) Prevent and mitigate the environmental impacts associated with the storage of decommissioned vehicles and equipment.
- 4) Manage surface water runoff to limit impacts to receiving bodies of water.



Fleet Facility - Objectives

1. Within 10 years after the baseline is established, reduce Fleet Facility electricity consumption (kWh) by 20%.
2. Energy efficiency training of all on-site Fleet Facility and contractor staff by December 2015.
3. Achieve a 20% fuel reduction by October 2020.



Fleet Facility - Objectives

4. Establish policy that reduces fluid and other environmental contaminants spill risk associated with the storage of decommissioned vehicles and equipment by December 2014.
5. Improve parking lot to reduce the risk of ground water contamination associated with the storage of decommissioned vehicles and equipment by September 2018.
6. Reduce and whenever possible, eliminate pollutants entering the stormwater management system.



GTL - Goals



1. Ensure liquid oxygen tank repair/maintenance complies with all contractor and material specifications to prevent liquid oxygen leakage.
2. Implement strategies and maintain compliance with the Risk Management Plan.
3. Implement optimal control strategies for the main air compressors and effluent pumps and reduce infiltration and inflow to reduce electricity consumption by 20%.
4. Replace substandard piping and refurbish existing containment wells for wastewater spill prevention.
5. Manage surface water runoff to retain on-site and eliminate pollutants from entering the stormwater management system.



GTL - Objectives

1. Ensure liquid oxygen tanks' repair/maintenance work is performed correctly to prevent leakage into the environment.
2. Protect neighbors and employees and the environment from accidental liquid oxygen release.
3. Reduce electrical consumption by 20%.
4. Ensure wastewater piping and containment wells' integrity for wastewater spill prevention.
5. Manage surface water runoff to retain stormwater on site and eliminate pollutants from entering the stormwater system.



ESMS system “DO”

- Define Resources, Roles, Responsibilities
- Competence, Training & Awareness
- Communication
- Documentation
- Develop Operational Controls
- Emergency Preparedness and Procedures



ESMS system “Check”

- Continual Monitoring & Measurement
- Evaluation of Compliance
- Corrective & Preventive Action
- Control of Records
- Internal Audit
- Management Review



Final Audits will be conducted in
May and June 2015

ISO 14001 Certifications for Fleet Facility and GTL Sites

Next site - FXE



CITY OF FORT LAUDERDALE
ENVIRONMENTAL & SUSTAINABILITY MANAGEMENT SYSTEM (ESMS)



Greening Our Routine!



CITY OF FORT LAUDERDALE
ENVIRONMENTAL & SUSTAINABILITY MANAGEMENT SYSTEM (ESMS)

ITEM 2

DATE: March 26, 2015
TO: Aviation Advisory Board
FROM: Julie Leonard, Transportation and Mobility Deputy Director
BY: Fernando Blanco, Airport Engineer
SUBJECT: Airfield Lighting Rehabilitation – Project 11997 – HDR Engineering, Inc. – Task Order No. 3

The last substantial upgrade to the Fort Lauderdale Executive Airport's taxiway and runway lighting and signage systems was completed in 2002. Since that time, the aviation industry has begun to replace and upgrade the airfield lighting systems using more current LED technology as opposed to the existing quartz taxiway/runway lights. This technology has allowed for substantially more efficient and low-energy lighting fixtures and signs.

It is the Airport's intention to replace the existing airfield taxiway/runway lighting system with new LED lights that will improve visibility of the airfield, reduce maintenance costs, and increase the life cycle compared to the existing lights. In addition, an assessment will be made of the Airport's electrical vault to perform an operational evaluation of the lighting equipment, evaluate code compliance issues and provide a recommendation for any required future improvements to the vault.

Staff has negotiated Task Order No. 3 and the associated fees with HDR Engineering, Inc., the Airport's general engineering aviation consultant, to provide design services in the amount not to exceed \$79,980. The Task Order will consist of providing evaluation of the existing airfield lighting and electrical vault, conducting Airport staff review meetings, preparing construction plans and bid specifications, and assistance during the bidding process.

Funds for this Task Order are available from the Airport's approved CIP and from a Joint Participation Agreement with the Florida Department of Transportation for the reimbursement of approximately 80% of the design costs (\$63,984). Staff has reviewed both the Task Order and fees and found both to be acceptable.

Staff Recommendation

Staff recommends approval of Task Order No. 3 with HDR Engineering, Inc. in the amount of \$79,980.

ITEM 3

DATE: March 26, 2015
TO: Aviation Advisory Board
FROM: Julie Leonard, Transportation and Mobility Deputy Director
BY: Fernando Blanco, Airport Engineer
SUBJECT: Executive Airport – Gopher Tortoise and Burrowing Owl Permitting and Relocation – E Sciences, Inc. – \$11,598

The Airport is preparing for construction of an approximately 3,000-foot long perimeter road on the east side of the Airport. There is a possibility prior to, or during construction, burrowing owls and/or gopher tortoises could burrow, or attempt to burrow, within or near the construction zone. Gopher tortoises and burrowing owls are protected and require two separate permit authorizations from the Florida Fish and Wildlife Conservation Commission (FFWCC) in order to be relocated outside the construction zone.

The Airport wishes to remain diligent and compliant in the event that either of these species comes into conflict with the construction. To support this effort, the Airport has requested that E Sciences, Inc., the City's general environmental engineering consultant, be prepared to conduct a field survey, prepare removal permits, and provide "on-call" services by a qualified biologist to evaluate and collapse burrows if owl and/or tortoise burrows or starter burrows are identified in the work zone prior to or during construction. E Sciences, Inc. would be called upon only if these species or evidence of nesting is within the construction or buffer zones, or in close proximity based upon staff's judgment.

Staff has negotiated Task Order No. 5, in an amount not to exceed \$11,598, with E Sciences, Inc. to provide the above services. Funds for this Task Order are available from the Airport's fund balance account. Staff has reviewed both the Task Order and fees and found both to be acceptable.

Staff Recommendation

Staff recommends approval of Task Order No. 5 with E Sciences, Inc. in the amount of \$11,598.

REVISED

ITEM 4

DATE: March 26, 2015
TO: Aviation Advisory Board
FROM: Julie Leonard, Transportation and Mobility Deputy Director
BY: Rufus A. James, Acting Airport Manager
SUBJECT: Executive Airport – Parcel 9 Lease Expiration, Failure to Construct Improvements

The Parcel 9 Lease commenced on January 1, 1980 with a term of 30 years and was scheduled to expire on December 31, 2009. The property consisted of 7.8 acres and was improved with 50,706 square feet of hangar and FBO office space. On November 21, 2001, the Lease was assigned to Aero Toy Store, INC., (Aero Toy Store) and was later assigned to Aero Toy Store LLC on September 13, 2002. Aero Toy Store currently leases Parcel 9 (Exhibit 1), operates Executive Jet Center, a Fixed Base Operation (FBO), and specializes in the sale of corporate jet aircraft. Additionally, Aero Toy Store operates an aircraft completion center on privately owned property adjacent to the Leasehold with access to the Airport.

An Amended and Restated Lease for this Parcel commenced on April 1, 2008 with a term of 30 years, expiring on March 31, 2038. Aero Toy Store agreed to replace the existing buildings and redevelop the entire property with a modern \$15,000,000 facility. The redeveloped facility would consist of three hangars totaling 80,431 square feet and a new 30,750 square foot FBO office building.

Furthermore, the Terms of the Lease Agreement included provisions for the Lease to expire 60 months after the commencement if the Lessee failed to construct the improvements. The leasehold was expanded by approximately 4.5 acres of adjacent unimproved property resulting in a combined parcel size of approximately 12.3 acres. Aero Toy Store also proposed to install a new underground storage tank for 100LL aviation fuel to supplement an existing underground storage tank for Jet A aviation fuel, in accordance with the City's Minimum Standards.

According to the terms of the Lease, Aero Toy Store was required to construct the improvements in phases, with Phase I constructed by April 1, 2011 and Phase II by April 1, 2013. Unfortunately, due to the economic situation experienced by the aviation industry Aero Toy Store was not able to commence Phase I within the established period. Aero Toy Store requested an additional 24 months to complete the construction of Phase I and Phase II, extending the date of completion. In consideration for the additional time, Aero Toy Store offered to increase the current rent by five (5) percent.

The amendment to the Lease also included provisions in the Terms specifying the Lease will expire on April 1, 2015, eighty-four (84) months from the commencement date if the Lessee failed to provide evidence that it constructed the improvements. On March 20, 2012, the City Commission approved an Amendment to Lease Agreement for an extension to complete the construction improvements.

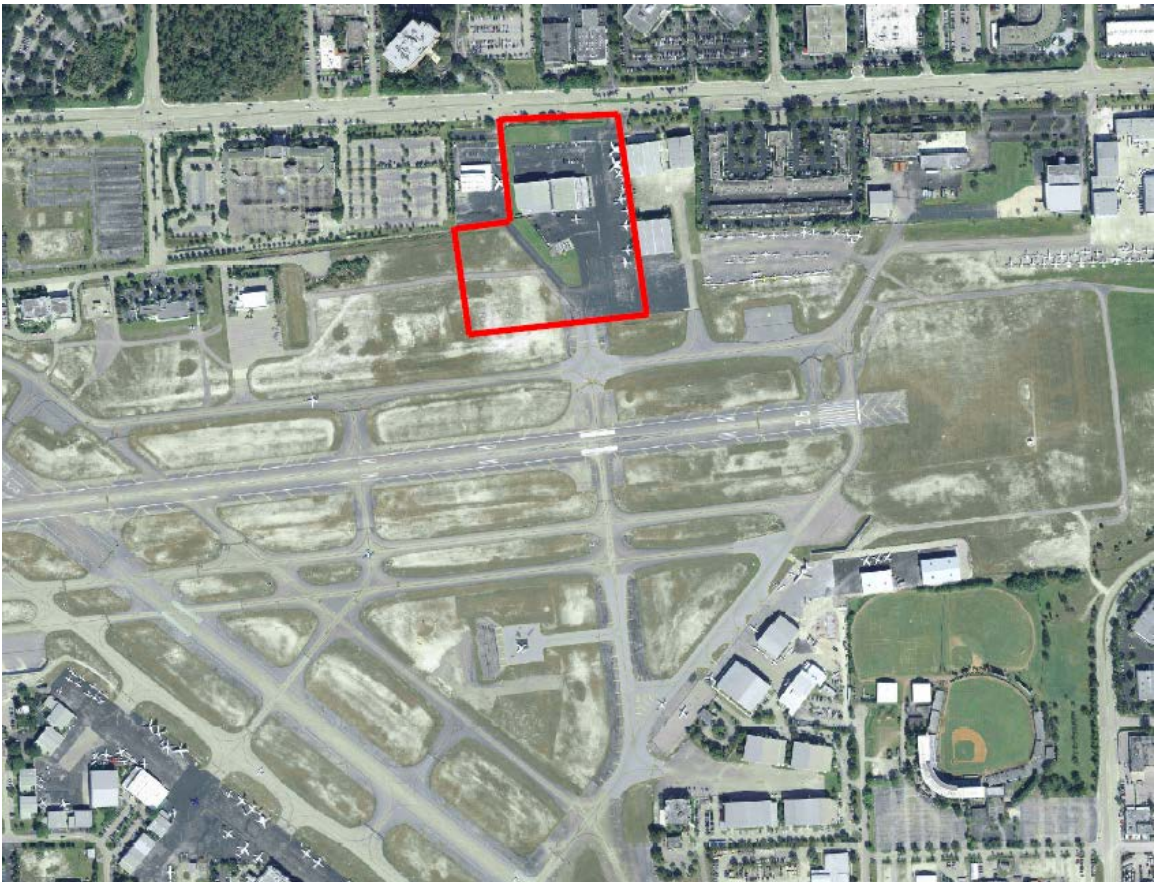
Aero Toy Store was notified on June 25, 2014 and August 8, 2014 of its obligation to perform the required construction improvements for Parcel 9, and was reminded of the Lease expiring on April 1, 2015. Staff received a phone call from the Owner, Morris Shirazi, and he explained that negotiations were underway with a potential client to assign the Lease.

On December 18, 2014, the City Manager and staff met with representatives from Aero Toy Store and Sheltair FXE Northside, LLC (Sheltair) to discuss the existing issues with the Lease. Sheltair made a proposal, which consisted of constructing the required improvements; however, the Terms proposed by Sheltair were not in the best interest of the City.

On March 18, 2015, the City Manager met with a group representing the Mortgagee, CPC Finance I, LLC and MBG Finance Holdings, LLC. The Mortgagee is exercising the rights set forth in Paragraph 42 of the Amended and Restated Lease to remedy the default for non-performance of construction improvements. As indicated in the attached letter (Exhibit 2) by Attorney Matthew E. Morrall representing the Mortgagee, an extension of ninety (90) days is being requested beyond the April 1, 2015 expiration date.

A request has also been made (Exhibit 3) by Attorney Jacob G. Horowitz, representing Aero Toy Store, for an extension beyond the April 1, 2015 expiration date, to continue negotiating with the City. Aero Toy Store and Sheltair are still under contract and are working with the City to negotiate a lease that ensures the highest and best use of Airport leasehold properties.

ITEM 4
EXHIBIT 1



Matthew E. Morrall, P.A.

2850 North Andrews Avenue
Fort Lauderdale, Florida 33311-2514
Telephone (954) 563-4005

Matthew E. Morrall, Esquire

Facsimile: (954) 566-7754
E-mail: morrall@bellsouth.net

March 19, 2015

VIA EMAIL rjames@fortlauderdale.gov

Mr. Rufus A. James

Assistant Airport Manager

Fort Lauderdale Executive Airport

6000 NW 21st Avenue

Fort Lauderdale, Florida 33309

Re: Aero Toy Store Lease

Dear Mr. James:

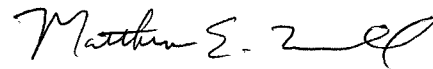
As you know, I represent CPC Finance I, LLC and MBG Finance Holdings, LLC ("clients"), the first mortgage judgment holders and judgment lienholder respectively on the Aero Toy Store, Inc. ("Aero Toy Store") leasehold interest pursuant to the Amended and Restated Lease ("Original Lease") dated March 11, 2008 attached as Exhibit "A" and the Amended Lease attached as Exhibit "B". Pursuant to our meeting yesterday with you, Mr. Feldman, Ms. Leonard and Ms. Williams-Persad, Esq., and on direction from Mr. Feldman, I am requesting that the Aero Toy Store lease issue be placed on the Aviation Advisory Board Agenda for March 26, 2015. The purpose of this Agenda item is to allow my clients to present information on their ability to remedy the lease defaults of Aero Toy Store as the first mortgage holder. The clients are exercising the remedies set forth in the Original Lease that include but are not limited to Section 42 of the Original Lease between the City of Fort Lauderdale and Aero Toy Store, LLC as amended March 20, 2012. It is anticipated that as part of the presentation we will request an extension of time of ninety (90) days to negotiate with the City a plan to remedy the lease defaults.

My clients have diligently pursued a foreclosure action and a final judgment to assume the leasehold interest pursuant to the terms of the Lease and have procured two final judgments (latest issued March 11, 2015), attached as Exhibit "C". It is our intent to provide a seamless transition to allow the FBO services to operate with minimum interruption and avoid lengthy closure of the leasehold property.

Mr. Rufus A. James
Assistant Airport Manager
Page 2

My clients are ready, willing and able upon taking possession of the property to remedy the current defaults. Prior to the meeting, I will provide additional information on the proposed presentation and plan to remedy the defaults. Please allow this letter to serve as the requested notice to secure a time on the Agenda for next Thursday to address these issues with the Aviation Advisory Board and ultimately the City. Further information will be forth coming early next week that will outline the proposed process and presentation. Thank you for your anticipated cooperation and please contact me with any questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Matthew E. Morrall", with a stylized flourish at the end.

Matthew E. Morrall

MEM/kz

cc: Lee Feldman, City Manager - lfeldman@fortlauderdale.gov
Diansjhan Williams-Persad djwilliams-persad@fortlauderdale.gov
Julie Leonard - jleonard@fortlauderdale.gov
Patrick Marino – patrick@landsouth.net
Hamid Hashemi - hamid.hashemi@ipic.com

Jacob G. Horowitz
jhorowitz@cityatty.com



GOREN CHEROF
DOODY & EZROL P.A.
ATTORNEYS AT LAW

March 19, 2015

VIA EMAIL (rjames@fortlauderdale.gov) AND REGULAR MAIL

Rufus James, Acting Airport Manager
Fort Lauderdale Executive Airport
6000 N.W. 21st Avenue
Fort Lauderdale, FL 33309

Re: Aero Toy Store / Lease with the City of Fort Lauderdale

Dear Mr. James:

This law firm serves as legal counsel for Aero Toy Store ("Aero"). I am writing to you at the recommendation of Assistant City Attorney DJ Williams-Persad regarding Aero's Amended and Restated Lease Agreement with the City of Fort Lauderdale (the "City") dated March 11, 2008 (the "Lease")¹.

On June 25, 2014, Aero received a notice of lease default from the City pertaining to Parcel 9 hangar improvements and FBO construction obligations that were required under the terms of the Lease, as amended. Aero was given until April 1, 2015 to complete these improvements. For the reasons set forth herein, the intent of this correspondence is to ask the City for an extension to this deadline.

Aero and Sheltair FXE Northside, LLC ("Sheltair") are **currently under contract** and working to close a multi-faceted transaction which would, among other things, result in the satisfaction of all Lease terms. An assignment of the Lease from Aero to Sheltair is one component of this transaction, subject to the City's consent. It is our understanding that Sheltair's representatives have been in regular communication with the City to discuss their role and obligations once Sheltair has taken over the Lease. Aero is also hopeful that the City will support our collective efforts and will agree that this transaction is in the best interests of all parties, including the City.

In the unlikely event that Aero is not able to successfully complete its transaction with Sheltair, please note that Aero remains fully committed to satisfying its obligations under the Lease. If the transaction with Sheltair does not close in accordance with its terms, Aero **will promptly**

¹ A First Amendment to the Lease was executed on March 20, 2012.

{00030370.1 1214-0600410}

Please reply to Fort Lauderdale Office

Fort Lauderdale Office

3099 E. Commercial Blvd., Suite 200, Fort Lauderdale, FL 33308. T 954-771-4500 | F 954-771-4923

Delray Beach Office

76 N.E. Fifth Avenue, Delray Beach, FL 33483. T 561-276-9400

www.cityatty.com

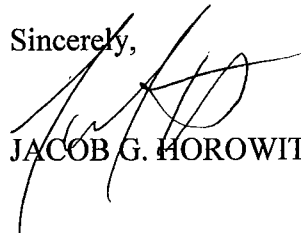
commence the process of complying with its obligations under the Lease. It is our understanding that Aero and the City have previously discussed certain legal challenges associated with the improvements, including the fact that the square footage and approved drawings are not legally feasible due to the size of the subject property and the requirements of the building code. Nevertheless, if the transaction with Sheltair does not close, Aero will immediately coordinate with the City in an effort to ensure that building permit applications are submitted by **July 31, 2015**.

While Aero acknowledges the defaults detailed in the City's June 25, 2014 correspondence, it is important to note that **Aero has remained current on all rental payments owed to the City**. Aero's sole reason for not curing the identified defaults sooner is the hope and expectation that Sheltair will assume this responsibility in accordance with terms negotiated between the parties, including the City.

Aero appreciates the fact that the City has been patient as it works to finalize the transaction with Sheltair. Aero remains committed to fully complying with its obligations under the Lease, either on its own or through the transaction with Sheltair. It is simply asking for sufficient time to do so. It is the hope and intention of Aero that its transaction with Sheltair will result in a **\$30,000,000 investment in the executive airport**, and that City will continue to realize a tremendous benefit from our collective efforts.

Thank you for your consideration. Please contact our office if there is any additional information that we can provide.

Sincerely,



JACOB G. HOROWITZ

CC:

Aero Toy Store, LLC

Morris Shirazi

Lee Feldman, City Manager

Cynthia Everett, City Attorney

DJ Williams-Persad, Assistant City Attorney

ITEM 5

DATE: March 26, 2015
TO: Aviation Advisory Board
FROM: Julie Leonard, Transportation and Mobility Deputy Director
BY: Rufus A. James, Acting Airport Manager
SUBJECT: Executive Airport – Termination of Parcel 8G Lease with D.H.S. Investments LLC, a Florida Limited Liability Company

At the February 26 2015, Aviation Advisory Board meeting, staff presented ITEM 2 recommending termination of the lease agreement for Parcel 8G with D.H.S. Investments LLC (DHS) for failure to comply with paragraph fifteen (15) requiring, prompt payment of rent to the Airport and payment of property taxes for 2013 to Broward County. The Board voted to give D.H.S. Investments, LLC an extension up until March 20, 2015 to pay the delinquent taxes and unpaid rent.

DHS is currently in default of their Lease for unpaid rent and sales tax (\$42,692.60) for the months of July 2014 through March 2015. Additionally, DHS has failed to pay property taxes to Broward County for the years 2013 (\$42,311.80) and 2014 (\$38,059.57) for a total amount of \$80,371.37.

At this point, we believe that DHS has been afforded many opportunities to bring the rent payments and taxes in compliance with the Lease. In accordance with paragraph fifteen (15) of the Lease, we are invoking the default in rent clause to initiate termination of the Lease Assignment with D.H.S. Investments LLC.

Staff Recommendation

Staff recommends that the City Commission authorizes the City Manager to terminate the Lease for Parcel 8G with D.H.S. Investments LLC, in accordance with paragraph 15 of the Lease.

UPDATE ITEM A

DATE: March 26, 2015
TO: Aviation Advisory Board
FROM: Julie Leonard, Transportation and Mobility Deputy Director
BY: Florence Straugh, Acting Assistant Airport Manager
SUBJECT: Noise Compatibility Program Update



Noise Monitoring Terminal (NMT) Replacement and Relocation

The City's Public Works Department Structural Engineering office has been contacted to assist with the permit process and determine wind loadings for the NMT (utility pole/above-ground cabinet). We will keep the Board informed of the progress of this project.

Noise Exposure Map Update

The draft is undergoing internal review and once completed staff will work with the consultant to coordinate the 30-day public review and comment period. We will keep the Board informed of the progress of this project.

Nighttime Jets

There were no jets over 80 dB at night between 10:00 p.m. and 7:00 a.m. in February 2015.

Noise Abatement Cooperative Effort

To let the Board know, it was brought to staff's attention that the total jet departures for January 2015 were incorrect. Staff found an entry error and made the correction. The correct totals for January 2015 are reflected in a separate column within the February 2015 statistics.

The data below summarizes the monthly noise and operations statistics for February 2015:

	Feb-15
Total Jet Departures	1053
Runway 26 Departures	524
Runway 08 Departures	511
Runway 13-31 Departures	18
Total I-95 Turns	316
% I-95 Turns - Rwy 8 Jet Deps	62%
Noise Events at Monitor #1	193
Noise Events at Monitor #2	62
Jet Events over 80 dB at Monitor #1	25
Jet Events over 80 dB at Monitor #2	8
No. of Households Reporting	24
No. of Noise Reports	74



COOPERATIVE NOISE ABATEMENT EFFORT

Month of February

March 26, 2015

Operations	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jul-14	Aug-14	Sep-14	Oct-14	Nov-14	Dec-14	Jan-15	Feb-15
Total Jet Departures	1026	1040	956	865	784	853	789	770	955	950	983	999	1053
Jet Departures Rwy 26	345	297	145	69	94	236	87	113	251	351	266	209	524
Jet Departures Rwy 8	680	743	811	796	690	617	701	655	704	585	712	782	511
Jet Departures Rwy 13 and 31	1	0	0	0	0	0	1	2	0	14	5	8	18
Jet Departures Rwy 8													
Jet Departures I-95 Turn	392	437	488	475	383	334	401	376	438	353	404	447	316
% Jet Departures I-95 Turn	58%	59%	60%	60%	56%	54%	57%	57%	62%	60%	57%	57%	62%
Jets Over 80 dB at NMT #2	15	13	14	21	12	8	8	15	11	9	18	10	8
Prop Departures Rwy 8													
Prop Over 80 dB NMT #2	28	22	43	34	26	24	26	33	25	18	33	23	7
Nighttime Jet Deps (10 p.m. - 7 a.m.)													
Total Nighttime Jet Departures	100	104	78	71	68	64	61	70	92	79	87	75	84
Nighttime Jet Deps Rwy 26	41	40	8	9	17	17	4	6	21	26	19	17	48
Nighttime Jet Deps Rwy 8	59	64	70	62	51	47	57	64	71	53	68	57	35
Nighttime Jet Deps Rwy 13 and 31	0	0	0	0	0	0	0	0	0	0	0	1	1
Nighttime Jet Deps Runway 8													
Nighttime I-95 Turns 11 p.m. - 7 a.m.	54	55	67	50	41	35	49	55	62	49	59	55	31
Nighttime Straight-Out 10 p.m. - 7 a.m.	5	9	6	1	10	12	8	7	8	4	8	2	4
Nighttime Jets Over 80 dB 10 p.m. -7 a.m.	0	1	0	1	1	0	0	0	0	0	1	0	0
Noise Reports													
Noise Reports by Aircraft Category at FXE													
# Noise Reports on Jets	20	14	10	4	6	7	6	5	3	6	12	6	31
# Noise Reports on Propellers	25	11	13	6	12	11	34	6	5	20	13	8	27
# Noise Reports on Helicopters	12	9	9	23	9	0	6	4	24	38	9	4	10
# Noise Reports - unmatched	0	0	2	0	0	0	0	2	0	0	0	0	0
# Noise Reports - FLL & Other													
Airports' Overflights	1	1	1	2	2	2	4	2	8	3	2	2	6
Total Noise Reports	58	35	35	35	29	20	50	19	40	67	36	20	74
# of Households Reporting	22	22	13	12	15	9	9	8	11	14	20	14	24

Notes:

Noise Monitor Terminal #2 (NMT #2) - noise levels in decibels (Lmax) recorded at NMT #2

On March 4-5, 2014, missing radar data, FLL radar was down for maintenance

On March 12, 2014, missing radar data, reason unknown

On March 13, 2014, missing radar data, reason unknown



COOPERATIVE NOISE ABATEMENT EFFORT

Month of February

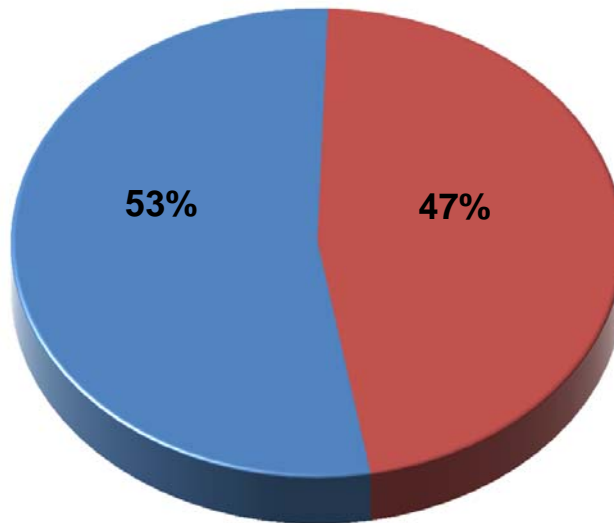
March 26, 2015

Monthly Operations over 80dB Per Aircraft Type

Total Percentage of Departures Over 80 dB: 0.3%

8
Out of
1053

1% of Jets Departures
were over 80 dB.



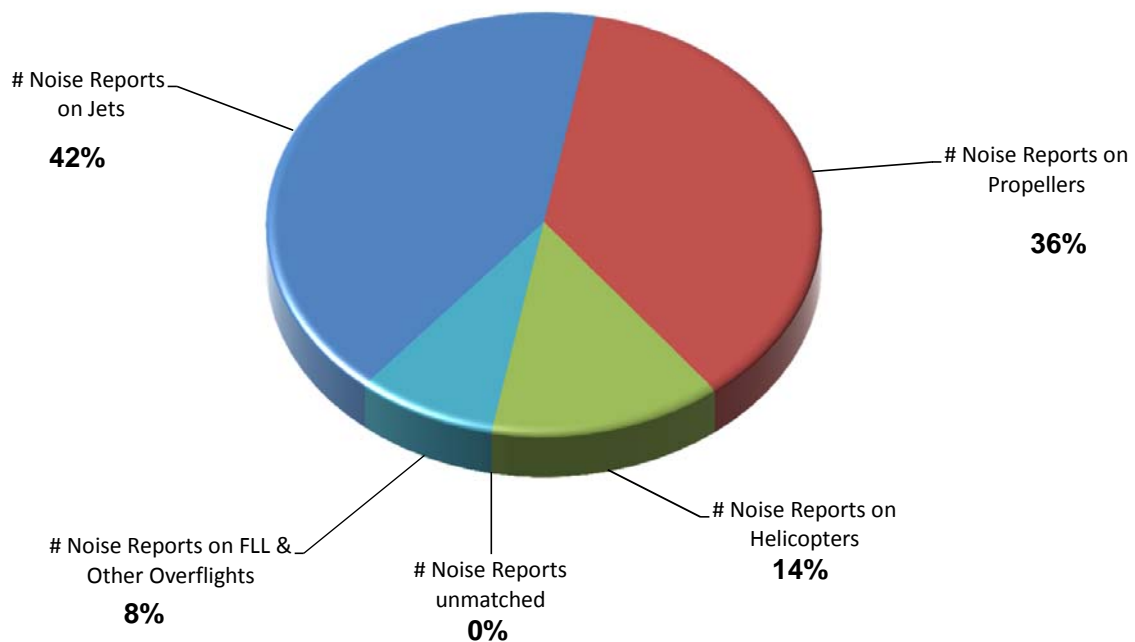
7
Out of
3512

0.2% of Propeller Departures
were over 80 dB.

■ % Aircraft over 80 dB - Jets

■ % Aircraft over 80 dB - Props

Monthly Noise Reports Per Aircraft Type





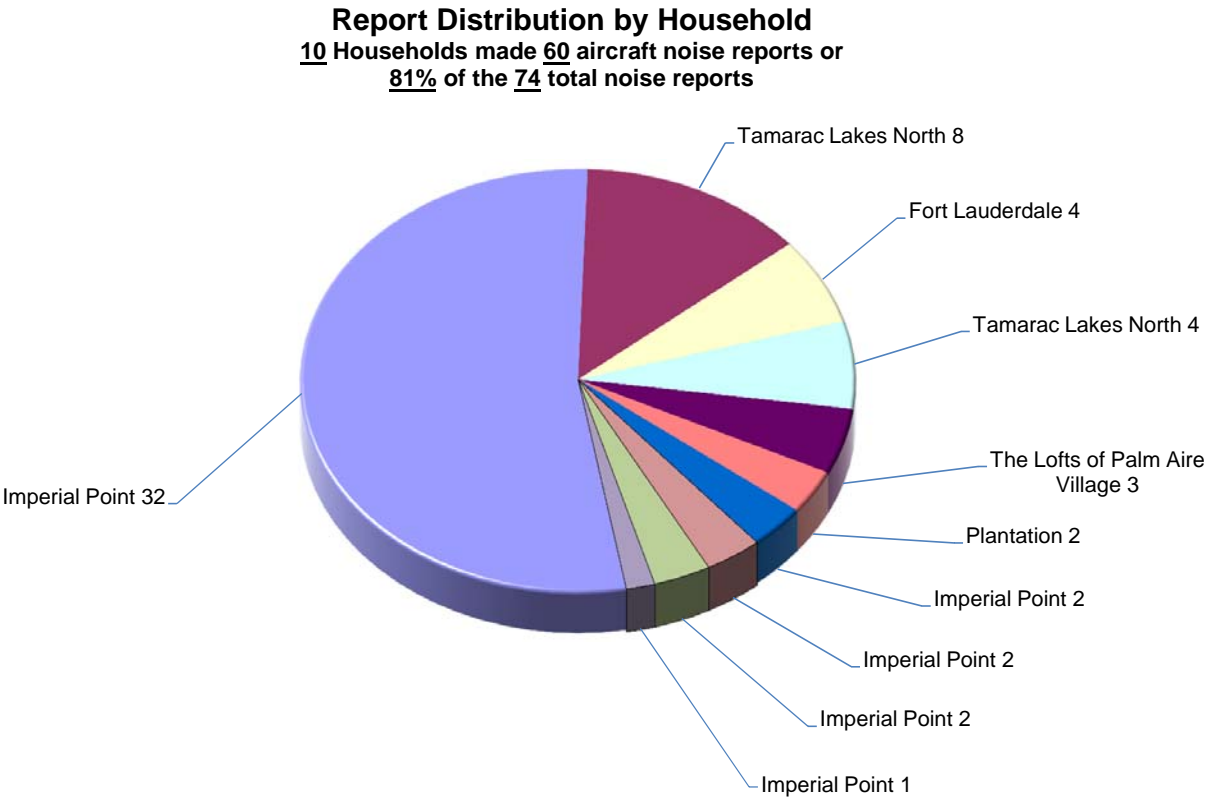
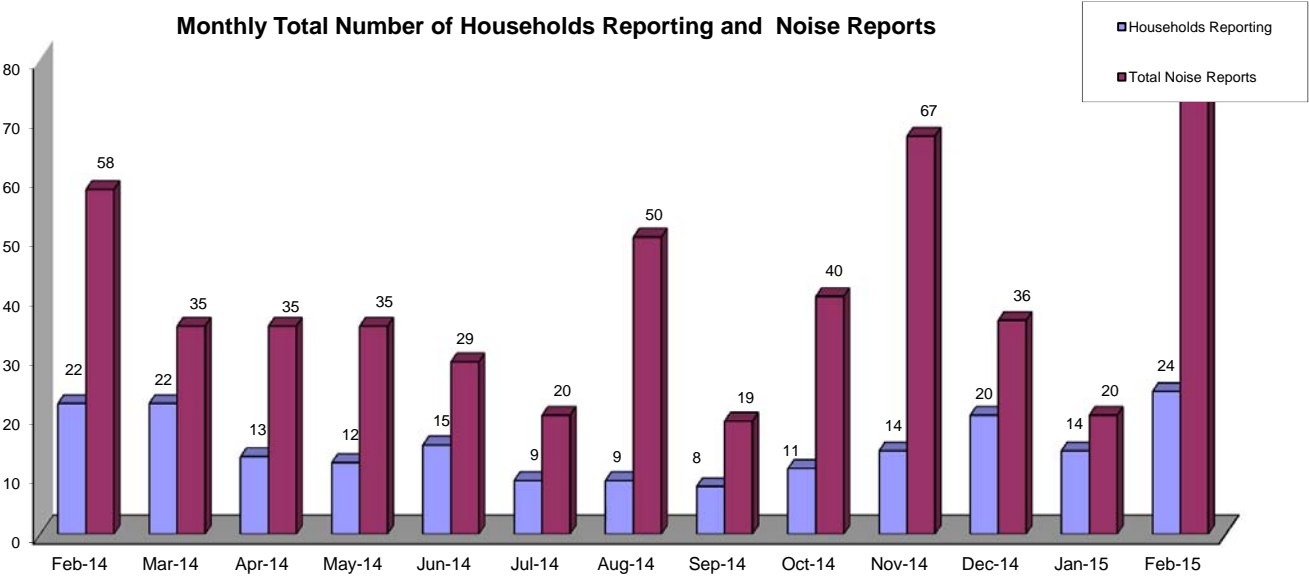
COOPERATIVE NOISE ABATEMENT EFFORT

Month of February

March 26, 2015

Number of total households contacting FXE to report aircraft noise:

24





COOPERATIVE NOISE ABATEMENT EFFORT

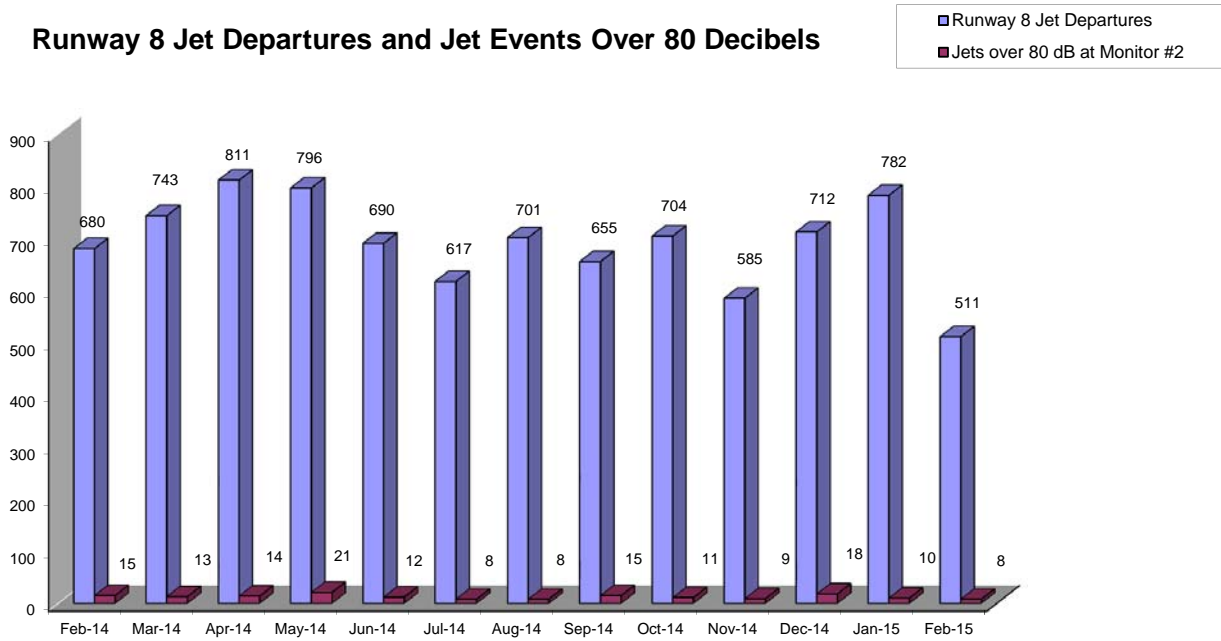
Month of February

March 26, 2015

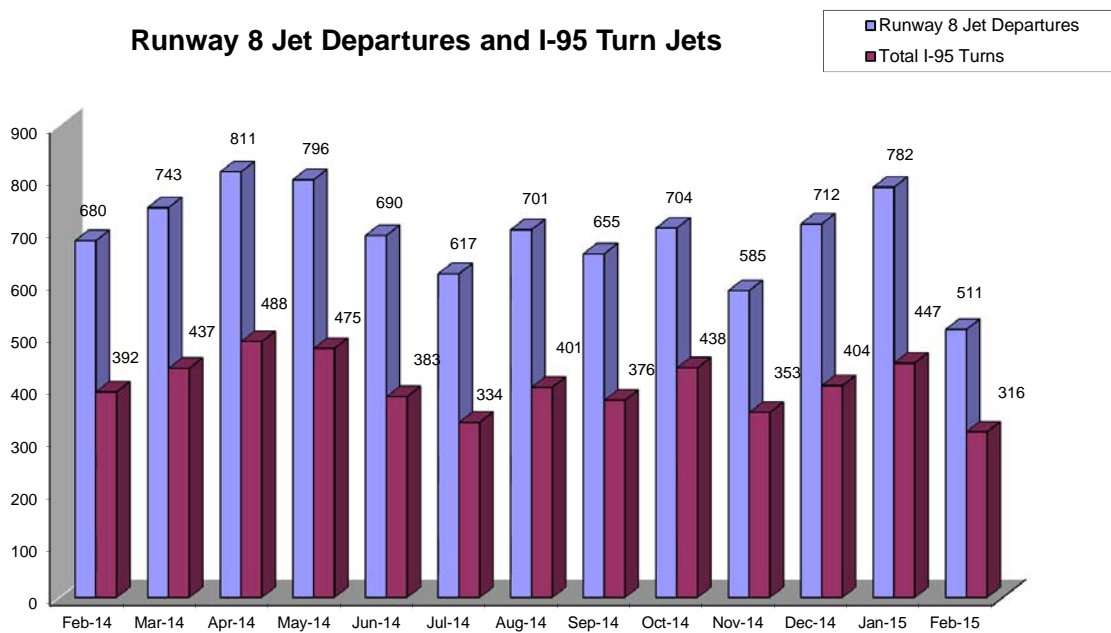
Number of Runway 8 Jet Departures over 80 decibels:

8

Runway 8 Jet Departures and Jet Events Over 80 Decibels



Runway 8 Jet Departures and I-95 Turn Jets



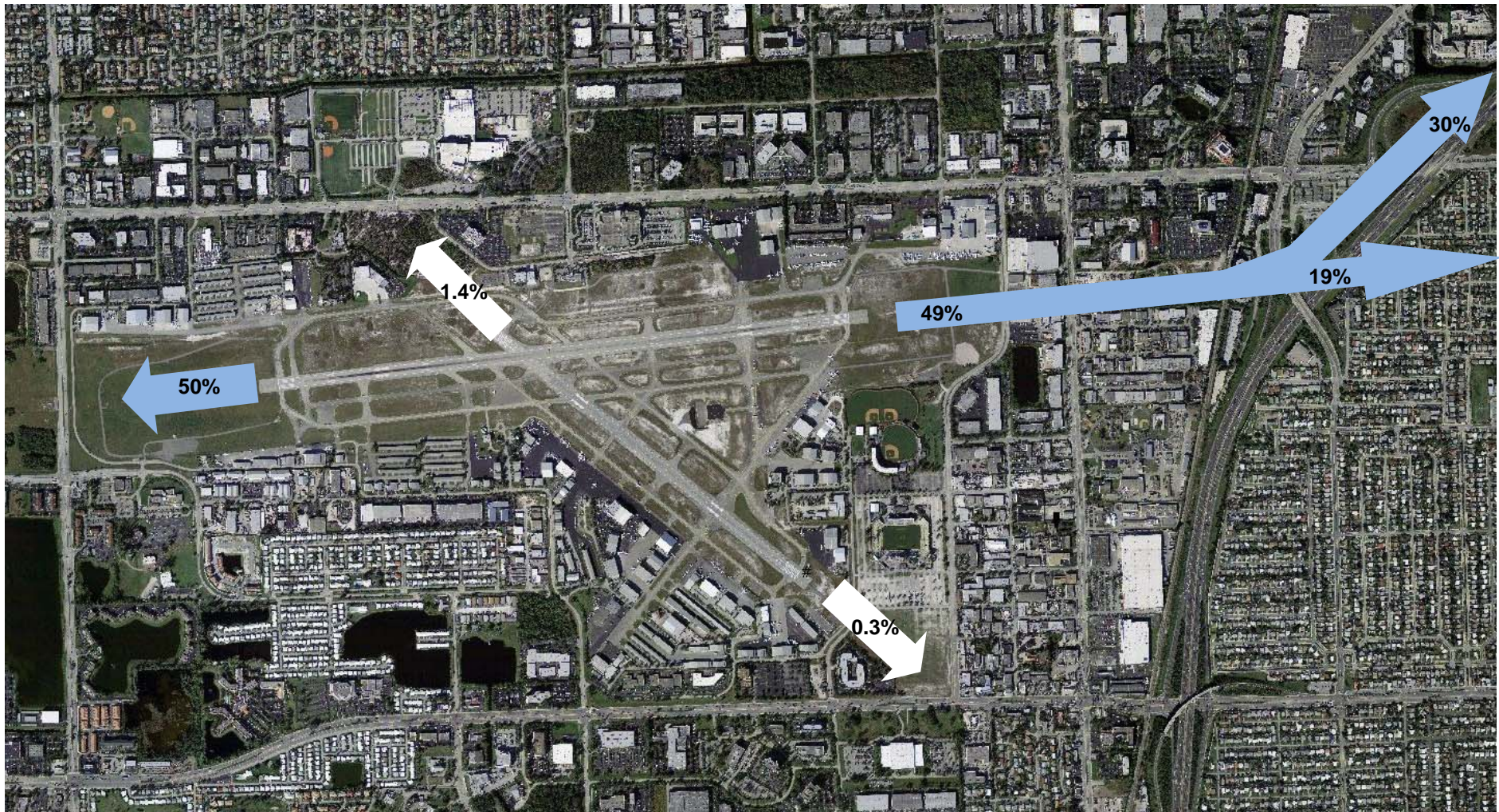


COOPERATIVE NOISE ABATEMENT EFFORT

Month of February

March 26, 2015

Percentage of Jet Departures Per Runway



UPDATE ITEM B

DATE: March 26, 2015
TO: Aviation Advisory Board
FROM: Julie Leonard, Transportation and Mobility Deputy Director
BY: Rufus A. James, Acting Airport Manager
SUBJECT: Airport Development and Construction – February Stats



February 2015

	Date	Aircraft Type	Problem
Alert II	2/18/15	Piper Seminole	Lost right engine, landed w/o incident
Alert III			No Alerts

Airport Operations	February 2014	February 2015
Total Operations	12,770	12,224
12 month Cumulative	158,156	170,984

Operations 10:00pm to 7:00am	504
Average Operations per night	18

Customs Operations	February 2014	February 2015
Total Aircraft Cleared	963	896
12 month Cumulative	11,911	12,269
Total Passengers/Crew	4,230	3,326
12 month Cumulative	43,826	45,445
Helistop Operations	February 2014	February 2015
Total Operations	56	70**
12 month Cumulative*	986*	1004**

*Data missing from September 2012 thru March 2013.

**Data missing from September 2014.

UPDATE ITEM C

DATE: March 26, 2015
TO: Aviation Advisory Board
FROM: Julie Leonard, Transportation and Mobility Deputy Director
BY: Diana McDowell, Administrative Assistant II
SUBJECT: Arrearages



Rent

The arrearages to report for the months of July, August, September, October, November and December 2014 and January and February 2015 are as follows:

DHS Investments, LLC – Parcel 8G

Fuel Flowage

There are no arrearages to report.

UPDATE ITEM F

DATE: March 26, 2015
TO: Aviation Advisory Board
FROM: Julie Leonard, Transportation and Mobility Deputy Director
BY: Fernando Blanco, Airport Engineer
SUBJECT: Executive Airport – U.S Customs and Border Protection Facility – James B. Pirtle Construction Company, Inc. d/b/a Pirtle Construction Company – Change Order No. 1 and Change Order No. 2

The U.S. Customs and Border Protection Facility Project, located at the Fort Lauderdale Executive Airport, will provide for a 7,900 square foot building to replace the existing facility. The project was originally bid in July 2013 and was awarded to James B. Pirtle Construction Company, Inc. d/b/a Pirtle Construction Company (Pirtle) on December 3rd, 2013 in the amount of \$5,689,000. Construction began in March 2014 and the project is nearing completion.

The purpose of these change orders are to compensate Pirtle for additions and deletions resulting from user scope changes, code and regulatory requirements, permit fees, site conditions, and design modifications. Staff has negotiated Change Order No.1 (\$24,917.81 and 60 additional days) and Change Order No. 2 (\$28,235.82 and 0 additional days). The change orders will provide for additional design items not previously indicated or omitted, security requirements from the Department of Homeland Security (DHS), unforeseen site conditions, and additional contract days to allow for completion of the items.

Approximately 80% of the change order costs (\$42,522.90) are available through a Joint Participation Agreement with the Florida Department of Transportation (FDOT). The remaining amount will be funded through the Airport's approved Community Investment Plan. In order to expedite the above work, a Commission Agenda Memo was prepared and approved by the City Commission at the March 17, 2015 City Commission meeting.

Staff is anticipating that an additional change order will be brought before the Board at a later date to address additional items that the DHS requested after the design was completed and after their walk-thru.